

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

---

USCA Docket Number:

USDC Docket Number : 05-cv-10300

Rosario Guzzi

v.

Michael Thompson

---

**CLERK'S CERTIFICATE**

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 11/17/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on January 27, 2006.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 1/27/06

  
Deputy Clerk, US Court of Appeals

---

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:05-cv-10300-RWZ**

Guzzi v. Thompson Assigned to: Judge Rya W. Zobel Cause: 28:2254 Petition for Writ of Habeas Corpus (State)	Date Filed: 02/15/2005 Jury Demand: None Nature of Suit: 530 Habeas Corpus (General) Jurisdiction: Federal Question
---	--

**Petitioner**

**Rosario Guzzi**

represented by **Rosario Guzzi**  
 MCI Shirley Medium  
 P.O. Box 1218  
 Shirley, MA 01464  
 PRO SE

V.

**Respondent**

**Michael Thompson**

represented by **Eva M. Badway**  
 Attorney General's Office  
 One Ashburton Place  
 Boston, MA 02108-1698  
 617-727-2200 x2824  
 Fax: 671-727-5755  
 Email:  
 eva.badway@ago.state.ma.us  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/15/2005	<u>31</u>	PETITION for Leave to Proceed in forma pauperis by Rosario Guzzi.(Jenness, Susan) (Entered: 02/15/2005)
02/15/2005	<u>32</u>	PETITION for writ of habeas corpus pursuant to 28:2254 \$ 5.00, receipt number 62120, filed by Rosario Guzzi.(Jenness, Susan) (Entered: 02/15/2005)

02/15/2005	●	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge New Magistrate Judge. (Jenness, Susan) (Entered: 02/15/2005)
02/15/2005	●3	MOTION to Appoint Counsel by Rosario Guzzi.(Jenness, Susan) (Entered: 02/15/2005)
02/15/2005	●4	MEMORANDUM in Support re 3 MOTION to Appoint Counsel filed by Rosario Guzzi. (Jenness, Susan) (Entered: 02/15/2005)
02/23/2005	●5	Judge Rya W. Zobel : ORDER entered. re 2 Petition for writ of habeas corpus (28:2254) filed by Rosario Guzzi. Plaintiff shall file such supplemental pleading on or before 3/18/05, or the petition will be dismissed. (Urso, Lisa) Modified on 2/24/2005 (Johnson, Jay). (Entered: 02/23/2005)
02/23/2005	●6	CERTIFICATE OF SERVICE by Rosario Guzzi re 2 Petition for writ of habeas corpus (28:2254). (Johnson, Jay) (Entered: 02/24/2005)
03/11/2005	●7	NOTICE of Supplemental Pleading of Legal Elements by Rosario Guzzi re 2 Petition for writ of habeas corpus (28:2254) (Johnson, Jay) (Entered: 03/15/2005)
03/11/2005	●8	MOTION for Evidentiary Hearing by Rosario Guzzi.(Johnson, Jay) (Entered: 03/15/2005)
03/11/2005	●9	MEMORANDUM in Support re 8 MOTION for Evidentiary Hearing filed by Rosario Guzzi. (Johnson, Jay) (Entered: 03/15/2005)
03/29/2005	●10	Judge Rya W. Zobel : Order ORDER entered. Responsive pleading by 5/10/05.(Urso, Lisa) (Entered: 03/30/2005)
05/04/2005	●11	MOTION for Extension of Time to June 13, 2005 to File A Responsive Pleading by Michael Thompson.(Badway, Eva) (Entered: 05/04/2005)
05/10/2005	●12	Letter/request (non-motion) from Rosario Guzzi regarding court adjudications. (Johnson, Jay) (Entered: 05/11/2005)
05/12/2005	●13	NOTICE of Assent by Rosario Guzzi re 11 MOTION for Extension of Time to June 13, 2005 to File A Responsive Pleading (Johnson, Jay) (Entered: 05/13/2005)
05/19/2005	●	Judge Rya W. Zobel : endorsedORDER entered granting 11

		Motion for Extension of Time. Answer due 6/13/05. (Urso, Lisa) (Entered: 05/19/2005)
05/20/2005	<u>14</u>	RESPONSE/ANSWER to <u>2</u> Petition for writ of habeas corpus (28:2254) by Michael Thompson. (Badway, Eva) (Entered: 05/20/2005)
05/20/2005	<u>15</u>	MOTION to Dismiss by Michael Thompson.(Badway, Eva) (Entered: 05/20/2005)
05/20/2005	<u>16</u>	MEMORANDUM in Support re <u>15</u> MOTION to Dismiss filed by Michael Thompson. (Badway, Eva) (Entered: 05/20/2005)
05/20/2005	<u>17</u>	NOTICE by Michael Thompson <i>of Filings with Clerk's Office</i> (Badway, Eva) (Entered: 05/20/2005)
05/20/2005	<u>18</u>	NOTICE of Filing w/the Clerks Office by Michael Thompson (Johnson, Jay) (Entered: 05/24/2005)
05/20/2005	<u>19</u>	SUPPLEMENTAL RESPONSE/ANSWER to <u>2</u> Petition for writ of habeas corpus (28:2254) by Michael Thompson. (Johnson, Jay) (Entered: 05/24/2005)
05/25/2005	<u>20</u>	Letter/request (non-motion) from Rosario Guzzi requesting assistance from Judge Zobels Law Clerks. (Johnson, Jay) (Entered: 05/26/2005)
06/03/2005	<u>21</u>	Judge Rya W. Zobel : OrderORDER entered denying <u>3</u> Motion to Appoint Counsel, denying <u>8</u> Motion for Hearing. As to respondent motion to dismiss #15, petitioner has until on or before July 1, 2005 to file his opposition. (Urso, Lisa) (Entered: 06/03/2005)
06/08/2005	<u>22</u>	MOTION for Reconsideration re <u>21</u> Order on Motion to Appoint Counsel, Order on Motion for Hearing by Rosario Guzzi.(Johnson, Jay) (Entered: 06/09/2005)
06/09/2005		Sent a copy this date of the motion for reconsideration to defense counsel. (Urso, Lisa) (Entered: 06/09/2005)
07/01/2005	<u>23</u>	MEMORANDUM in Opposition re <u>15</u> MOTION to Dismiss filed by Rosario Guzzi. (Attachments: # <u>1</u> )(Flaherty, Elaine) (Entered: 07/05/2005)
07/21/2005		Judge Rya W. Zobel : Electronic ORDER entered granting <u>1</u> Motion for Leave to Proceed in forma pauperis. Allowed on 3/29/05; (Urso, Lisa) (Entered: 07/21/2005)



11/04/2005	24	Judge Rya W. Zobel : Memorandum of Decision ORDER entered granting <u>15</u> Motion to Dismiss, denying <u>22</u> Motion for Reconsideration (Urso, Lisa) (Entered: 11/04/2005)
11/04/2005	25	Judge Rya W. Zobel : Order ORDER entered. ORDER DISMISSING CASE(Urso, Lisa) (Entered: 11/04/2005)
11/17/2005	26	MOTION for Certificate of Appealability by Rosario Guzzi. (Johnson, Jay) (Entered: 11/18/2005)
11/17/2005	27	MEMORANDUM in Support re <u>26</u> MOTION for Certificate of Appealability filed by Rosario Guzzi. (Johnson, Jay) (Entered: 11/18/2005)
11/17/2005	29	NOTICE OF APPEAL by Rosario Guzzi. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 12/7/2005. (Johnson, Jay) (Sent to Court of Appeals 1/26/06) Modified on 1/26/2006 (Johnson, Jay). Additional attachment(s) added on 1/27/2006 (Johnson, Jay). (Entered: 01/26/2006)
12/09/2005	28	Judge Rya W. Zobel : ORDER entered denying <u>26</u> Motion for Certificate of Appealability (Urso, Lisa) (Entered: 12/12/2005)